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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Nineteenth session

SUMMARY RECORD (PARTIAL)* OF THE TWENTY-NINTH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 16 November 1998, at 10.30 a.m.

Chairperson: Mr. ALSTON

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.35 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) welcomed the opportunity to address the Committee on Economic, Social and Cultural Rights, which played a leading role in promoting and protecting human rights in the United Nations and had pioneered the development of procedures and working methods to render the human rights treaty system more effective. She reaffirmed the priority she attached to the work of the Committee, which served not only to promote the implementation of the Covenant, but also to underscore the significance of the slogan adopted for 1998, which marked the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights: "All human rights for all".

2. She paid tribute to the outgoing Chairperson, Mr. Alston, who had helped to enhance the effectiveness of the human rights system as a whole, through his study on the treaty bodies - one of the seminal documents of the World Conference on Human Rights (Vienna, 1993) - and his leading role in meetings of the chairpersons of international human rights treaty bodies. Thanks were also due to the other outgoing Committee member, Mr. Adekuoye, for his contribution to the work of the Committee over the years.

3. The Universal Declaration of Human Rights had laid the groundwork for human rights standard-setting activities and their monitoring and implementation in the last half century, and the human rights treaty system was at the core of the United Nations human rights programme. Its role was becoming more important as the number of accessions to and ratifications of human rights instruments increased. The International Covenant on Economic, Social and Cultural Rights was a good example of that trend: approximately three quarters of the world's nations were party to it. Moreover, steps had been taken to encourage ratification by another Member State, China, during her recent official visit to that country.

4. However, although human rights were now more widely recognized, massive violations causing intense human suffering still prevailed. Thus, when commemorating the fiftieth anniversary of the Universal Declaration of Human Rights and assessing the achievements since the adoption of the Vienna Declaration and Programme of Action, the international community must confront the challenge of effectively ensuring respect for all human rights. The draft Optional Protocol to the Covenant was an appropriate and timely response to that challenge.

5. The Committee's day of general discussion on the right to education had been well prepared for, in particular through the production of nine background papers by leading experts on the subject and the Committee's commendable initiative of inviting the cooperation of other human rights mechanisms, namely the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

6. She hoped that the day of general discussion would provide guidance to the Commission's Special Rapporteur on the right to education and might be a starting point for the preparation of a general comment on the subject by the

Committee; such a document would enhance the implementation of the right to education at national level worldwide. The need for urgent action in that area was evident, as stated in the United Nations Secretary-General's message on the occasion of International Literacy Day. Since there was manifestly a long way to go before the twin goals of universal literacy and equal access to education were attained, and since the gains achieved could be jeopardized by economic crises or natural disasters like the recent Hurricane Mitch, she appreciated the Committee's decision to focus on that issue.

7. She was glad to report that the process of selecting and recruiting a staff member under the Plan of Action to Strengthen the Implementation of the International Covenant on Economic, Social and Cultural Rights was nearing completion. It had been made possible thanks to contributions from the Governments of France, Cyprus, the Netherlands and Portugal. She renewed her appeal to Member States of the United Nations and other potential donors to follow suit.

8. In conclusion, she thanked members of the Committee for their commitment to human rights, wishing them a successful session. Notwithstanding the possible inconvenience caused by its recent move to new premises in the Palais Wilson, her Office would do its utmost to assist the Committee efficiently in its work.

9. The CHAIRPERSON welcomed the High Commissioner's reaffirmation of the importance she attached to the work of the Committee, as well as the strong position she had taken on human rights vis-à-vis the General Assembly and other United Nations organs. There could be no doubt that since the High Commissioner's appointment, economic, social and cultural rights had enjoyed a higher profile, which augured well for future progress.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/C.12/1998/9)

10. The agenda (E/C.12/1998/9) was adopted

ORGANIZATION OF WORK (agenda item 2) (E/C.12/1998/L.2)

11. The programme of work (E/C.12/1998/L.2) was adopted

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 5)

12. The CHAIRPERSON drew attention to a recent publication by the United Nations Development Programme (UNDP) Overcoming Human Poverty, which could have been of interest to the Committee were it not for a number of shortcomings. For instance, the report failed to mention that poverty had been recognized as a human rights concern by Governments since the adoption of the Universal Declaration of Human Rights. Furthermore, although the publication touched upon many issues relevant to the work of the Committee, such as the need for national strategies on poverty, the empowerment of the poor, and poverty monitoring at national level, it established no link with the work of the Committee or the obligations of States parties under the Covenant. The time had come for United Nations bodies and Governments to recognize that national strategies on poverty served to promote and implement economic and social rights and that empowering the poor could not be done by

bureaucratic or technocratic means. Moreover, poverty monitoring should focus on the way in which Governments discharged their obligations under the Covenant.

13. Another recent development worthy of note was the adoption by the International Labour Organization (ILO) of its Declaration on Fundamental Principles and Rights at Work, which focused on a number of issues pertinent to the work of the Committee. Its purpose was to set up mechanisms for putting pressure on Governments that had not yet ratified relevant conventions. The Declaration provided an ideal opportunity for cooperation between the Committee and the ILO and he appealed to the latter to consider possible ways of bringing that about.

14. He welcomed Amnesty International's latest annual report, which finally recognized the importance of economic, social and cultural rights and acknowledged that it had somewhat neglected such aspects in the past. It was imperative for Amnesty International and other leading human rights organizations to make it clear in their future promotional activities that civil and political rights represented only half of the human rights picture.

15. As outgoing Chairman, he took the opportunity to reiterate the political view that the United States remained the single most important obstacle to the acceptance of economic, social and cultural rights as a human rights concern in the United Nations system. The consistently negative stance adopted on such matters by United States representatives in the General Assembly and other international forums was a serious brake on progress, for, given the weight carried by the United States in the international arena, many countries were hesitant to endorse a concept that is deemed controversial or political. The United States must come to understand that such a position constituted a rejection of half the rights enshrined in the Universal Declaration of Human Rights adopted by Governments almost 50 years previously.

16. Turning to more positive matters, he welcomed the announcement by the High Commissioner that an additional secretariat post would shortly be established to assist the Committee in its work. He urged the secretariat to ensure that the incumbent's work plan was thoroughly discussed with the Committee's officers, and in particular with the rapporteur and vice-chairpersons, once the appointment had been made.

17. The situation with regard to the optional protocol to the Covenant proposed by the Committee had reached a stalemate. For the past two years the Commission on Human Rights had been calling on States to submit comments on the protocol; yet only a very few comments - most of them unhelpful - had been received, and there seemed to be little will in the Commission to ensure that the proposal was taken seriously. Unless the Commission took steps to establish a working group to develop a text acceptable to Governments, the initiative was likely to come to nothing. States should carefully consider the implications of such a development: for it was hardly consistent with the emphasis placed on the indivisibility of all human rights in their fiftieth anniversary year that the first proposal for a complaints procedure made by the Committee should be permitted simply to wither away.

18. At its eighteenth session the Committee had adopted a balanced but strongly worded statement in response to the report of Nigeria, in which it concluded that the situation in that country was disastrous. Subsequent events had fully confirmed that conclusion. The strength and commitment of the Committee's response to events in Nigeria had thus been fully vindicated; and the lesson to be learned was that the Committee might be perceived by Governments as weak and irrelevant if it failed to adopt a comparably forceful approach to any similar cases that might arise in the future.

19. At its current session the Committee would consider a series of major reports, three of which - those of Switzerland, Canada and Israel - were of particular significance in that they had been preceded by lengthy exchanges between the Committee and the State party. In that connection, he drew attention to an article written earlier in 1998, in which Ms. Anne Bayevsky, currently working with the High Commissioner on a study of the treaty bodies funded to the tune of more than US$ 1 million by the Ford Foundation, had alleged that "the Economic Committee (sic) has now focused on Israel for more than a year, under conditions that have not been applied to any other State party. This Committee has permitted NGO oral criticism of Israel at the last two sessions on non-Covenant subjects such as the implementation of the Oslo Agreements, in the absence of having scheduled a dialogue with the State party or the consideration of a State report".

20. He wished to put it on record that that statement was wrong on every count. The report of Israel had been treated in precisely the same way as the reports of other States. NGOs had specifically addressed issues of direct relevance to the work of the Committee, and had focused very little on the Oslo Agreements, to take that example. The Committee had not focused on the situation in Israel in the absence of a dialogue with the State party; it had been in contact with the State party in writing for well over a year, and had at all times followed the procedure used in relation to other States. He was particularly sensitive to that criticism because he believed that Israel had indeed at times been subjected to double standards in other international forums, and that it was thus particularly important that the Committee on Economic, Social and Cultural Rights should be objective and even-handed in its treatment of that country.

21. Mr. SADI, endorsing the Chairperson's comments about the need to heighten UNDP's and ILO's awareness of the Committee's work, said that the Committee should appeal to all the specialized agencies to take fuller account of the Covenant. Referring to the Committee's recent general comment on the sanctions regime, in which it called upon the Security Council to be more aware of the potential impact on economic, social and cultural rights when applying sanctions, he asked whether there had been any reaction from the Security Council in that connection. With regard to the negative attitude of the United States towards the Covenant, he wondered whether the Committee was empowered collectively to call upon the United States to reconsider its position. Lastly, he asked whether it would be possible for the Committee itself to establish a working group on the adoption of an optional protocol, in order to avoid any loss of momentum.

22. Mr. TEXIER endorsed the Chairperson's comments regarding the unequal weight accorded to civil and political rights on the one hand, and to

economic, social and cultural rights on the other. Despite the lip-service paid to the notion, the indivisibility of human rights was a myth, and in the prevailing climate of neo-liberalism, poverty and inequality were actually on the increase. Recent calls by the United States - the world's most polluting economy - for Third World countries to reduce their greenhouse gas emissions were a further illustration of that trend. The Committee should seize the opportunity provided the by celebration of the fiftieth anniversary of the Universal Declaration of Human Rights to issue a strongly assertive - rather than merely commemorative - declaration on the importance of economic, social and cultural rights.

23. Mr. RIEDEL said that the indivisibility of human rights was a concept that had gained particular significance now that the International Bill of Human Rights had to all intents and purposes become part of customary international law. In the context of the fiftieth anniversary celebrations, the Committee should come up with a declaration specifically relating the provisions of the Covenant to the actual practice it had encountered.

24. The CHAIRPERSON said that the Committee's general comment on sanctions had been commended by the Secretary-General of the United Nations in his latest report on the work of the Organization (A/53/1), but that he was not aware of any specific reaction to it by the Security Council. Nonetheless, the general comment had had a significant impact in a wide range of other contexts, as well as influencing the general thinking on the issue of sanctions.

25. He welcomed the proposal to adopt a strongly worded statement on the occasion of the fiftieth anniversary of the Universal Declaration, and expressed his readiness to collaborate with colleagues in preparing it. In his view, it would not be appropriate for the Committee as such to single out the United States - which was in any case not a State party - for criticism. A better approach would be for him to deliver a strong statement on the question at the end of the session, in his capacity as an individual member of the Committee. The United States administration had recently appointed a new Assistant Secretary for Human Rights, Democracy and Labour Rights, who was known to be a strong human rights advocate. The Committee should use a public statement as a means of strengthening that official's capacity to put economic rights back on the United States' domestic agenda.

26. As for the optional protocol, the work of the Committee was now complete. A draft text had been submitted to the Commission on Human Rights, and it was to be hoped that the Commission would move swiftly to set up a working group, which could then embark on what was likely to be a fairly protracted process.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3)

Hearings of non-governmental organizations

27. The CHAIRPERSON invited the Committee to proceed with the hearings of NGOs.

The discussion covered in the summary record ended at 11.40 a.m.